

Town of Carlisle

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Office of
PLANNING BOARD

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Minutes

April 24, 2006

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GIS Development Task Force

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Feasibility study of adopting Inclusionary Zoning and/or Open Space Residential Design bylaw provisions [Edith Netter & Associates-Planning Board]

Development of additional GIS data layers and technical support [Applied Geographics-Planning Board]

Preparation of proposed amendments to Personal Wireless Communications Facilities bylaw [Broadcast Signal Lab-Planning Board / joint subcommittee]

Preparation of proposed amendments to Accessory Apartment bylaw to provide options for affordable units [Riverside Consulting-Selectmen / joint subcommittee]

Discussion of strategy with regard to pending litigation, Valchuis et al. v. Planning Board, Berry Corner Lane, Map 7, Parcel 29 (motion to go into executive session may be entertained)

Request for additional consulting engineer's review of Common Driveway Special Permit As-Built Plans for 136-138 East Street, Theodore Treibick, applicant [Request of Fire Department]

Review of application to Zoning Board of Appeals for Comprehensive Permit under MGL Chap. 40B for 56 age-restricted, condominium units of attached housing to be known as "Coventry Woods," on Concord Street, northeasterly of 515 Concord Street (Map 8, Parcel 10 – 22.8 acres), 14 units to be designated as affordable housing (Application of Coventry Woods LLC and MCO & Associates, Inc., referred by Board of Appeals)

Report on progress to obtain necessary approvals and design of footpath parallel to Cross St., as authorized in consideration of approval of Greystone Crossing Conservation Cluster special permit.

Discussion of strategy with regard to pending litigation, Sacks et al. v. Koning et al., Maplewood Definitive Subdivision Plan, Acton Street (motion to go into executive session may be entertained)

ANR Plan: 83 and 97 McAllister Drive, Map 36, Parcels 28 & 30, Karen L. Andon, applicant

David Freedman called the meeting to order at 7:34 pm in the Heald Room at Town Hall. Board members **Louise Hara, Brian Larson, Michael Epstein**, and Planning Administrator **George Mansfield** were present. **Peter Stuart** arrived at 7:38 pm. **Kent Gonzales** and **Ray Bahr** were absent.

Gretchen Caywood, assistant to the Planning Administrator, and Bob Zielinski, Carlisle Mosquito reporter, were also present.

Minutes

The PB reviewed the minutes of the 4/10/06 meeting. Larson moved to approve the minutes as drafted, Hara seconded and the motion carried 4-0.

Discussion of strategy with regard to pending litigation, Sacks et al. v. Koning et al., Maplewood Definitive Subdivision Plan, Acton Street (motion to go into executive session may be entertained)

Mansfield reported that the Agenda had been revised, as the Land Court's decision concerning this case had just been received today. He reminded the Board that while the subdivision is complete, the completion has not been approved because of this pending litigation. He also pointed out that Bob Koning and the PB are named as co-defendants.

Mansfield summarized that the Court's decision was in favor of the Plaintiffs, Janet Sacks and Martin Schafer, the decision stating that the subdivision roadway was built on the abutters' (plaintiffs') land, and that Town Counsel has asked the PB to comment on this decision.

Mansfield summarized that the applicant came forward with an application for the subdivision and with surveyor's plans, both of which indicated that he owned the land. The PB acted on that basis. After the subdivision application had been filed, the appeal period ran with no appeals filed, the subdivision plans were endorsed and recorded, and considerable time passed before the abutters claimed that a narrow area of land was theirs, and had been misrepresented by the applicant. Land Court has decided that this area is owned by the plaintiffs. The PB agreed to further discuss this matter in executive session later in this meeting.

ANR Plan: 83 and 97 McAllister Drive, Map 36, Parcels 28 & 30, Karen L. Andon, applicant

Mansfield explained that this plan shows the exchange of small parcels between two adjacent lot owners, most likely to provide the required setback distance for an addition. However, the setback dimensions are not noted on the plan as required. Also, Mansfield pointed out that the easement for McAllister Drive, a common driveway serving 6 lots, is shown on the plan, but only a small portion of the driveway itself is shown. The entire driveway should be shown, along with any turnoffs that are on the subject lots. Also, there are spelling errors on the plan.

Mansfield said that while these requirements could be waived and the plan endorsed, he recommended against it. The applicant could record an endorsed plan with the Middlesex North Registry of Deeds, and the plan should therefore be accurate and complete. If the PB does not accept the plan as properly submitted, the 21-day timeframe that the PB has to endorse it does not start.

Hara moved NOT to accept as properly submitted the plan of land in Carlisle, MA for 83 and 97 McAllister Drive dated April 18, 2006, by Stamski and McNary for Karen L. Andon, as it is incomplete and inaccurate. Larson seconded the motion and it passed 5-0.

Report on progress to obtain necessary approvals and design of footpath parallel to Cross St., as authorized in consideration of approval of Greystone Crossing Conservation Cluster special permit.

Freedman confirmed that Mansfield would send a memo to the Trails Committee Chair, Marc Lamere, acknowledging their acceptance of responsibility for design and filing for permitting of the footpath, and to copy Gary Davis (DPW) on this memo.

Request for additional consulting engineer's review of Common Driveway Special Permit As-Built Plans for 136-138 East Street, Theodore Treibick, applicant [Request of Fire Department]

Mansfield reported that LandTech had reinspected this East Street common driveway, and had sent a memo with their findings to the PB. He also reminded the Board that part of the condition of approval of this common driveway was to have a T-turnaround at the house at the end of the drive. While the orientation of the completed T-turnaround is different from the approved plan, the engineers feel that it is in general conformance with the dimensional requirements of the approved plan. They did note that the turnaround has been paved since their inspection, but that they had indicated during their inspection that additional grading and leveling was required prior to paving. Therefore, they recommended that the as-built plan be updated to show the paved turnaround, and that they perform a final inspection of the T-turnaround upon receipt of the revised as-built plan. Freedman agreed that a new as-built plan was needed. Also, before sending LandTech out for a reinspection, the applicant should be contacted to make sure that all changes are completed. Mansfield pointed out that the Building Commissioner could issue an occupancy permit only when the as-built and the ground inspection meet the original approved plan.

When Freedman inquired how new owners of that home would be aware of the importance of the turnaround, Mansfield explained that the T-turnaround is referenced in the recorded Special Permit associated with this property.

Freedman agreed with LandTech's suggestion that the PB should require assurity that once the utility pole (near the driveway entrance) marked for removal has been removed, the area will be paved. An adequate amount of funds will need to be deposited by the applicant for this work. LandTech will be consulted to estimate the cost of this paving.

Regarding concerns with the steepness of the embankments adjacent the T-turnaround, LandTech recommended that the top of the slope be demarcated with a guardrail or plantings. Stuart pointed out that the initial plan showed a retaining wall between the turnaround and the slope. Freedman stated that LandTech should be asked if the changes the applicant made to the turnaround had resulted in a steeper embankment, necessitating a barrier.

Mansfield reported that when all work is finalized, the PB should send a memo to the Building Commissioner stating that "the Town's consulting engineer has certified that the finished grades and final construction details of the common driveway, the drainage systems, and the utility installations have been constructed in accordance with the approved plans and with standard engineering practices." Epstein requested that a memo from LandTech specifically reflect this wording. The approval should be conditional upon the removal of the utility pole by Verizon and subsequent paving of the area to be covered by funds deposited to cover this work.

Feasibility study of adopting Inclusionary Zoning and/or Open Space Residential Design bylaw provisions [Edith Netter & Associates-Planning Board]

The PB's goal in this discussion was to determine the most efficient and effective way for the PB to undertake any proposal to adopt Inclusionary Zoning (IZ). They considered the use of the Board's time, the importance of IZ to the Town, and whether the PB should be proactive, designing approaches to IZ, or reactive, waiting for developers come to the Town with proposals and then taking part in negotiations with them.

Freedman suggested that requiring Low Impact Development (LID) strategies on dense 40B developments would be a proactive approach. Epstein pointed out that since 2000 (Carriage Way), no subdivisions (which are by right and do not require a special permit) have been done in Carlisle, and instead conservation clusters and common driveways have been applied for, and approved.

Larson pointed out that since the Town will most likely not be able to stop 40Bs altogether, but just lessen their intrusion by augmenting with other affordable housing approaches such as the proposed Affordable Accessory Apartments (AAAs), the PB and the Town should plan to negotiate with 40B developers as much as possible to assure maximum benefit and desirability for the Town.

Freedman summarized that the creation of 12 affordable units at Coventry Woods would allow for a one year moratorium on 40B development. By the end of that timeframe, it is hoped that Benfield will be under way. This could allow for two additional years moratorium. This would give the Town more leverage in negotiations with 40B developers during the moratorium.

Freedman suggested talking with someone knowledgeable of future potential 40B development sites in Carlisle, such as William Costello. Costello could also provide insight into Inclusionary zoning from a developer's perspective.

Epstein suggested that the BOS should create a 40B advisory committee to the ZBA, an approach utilized by several other towns, which can act as a "third party" knowledge base to work closely with residents and the ZBA on any 40B development project, and to proactively research these potential 40B sites in Town. Such a committee could negotiate the development issues, particularly in the absence of an active abutters group. He stressed that in the Coventry Woods case, a suitable negotiation with developers was possible primarily because of the very active and involved abutters group.

Resulting from this discussion, the PB summarized that its goals concerning IZ should be:

- Consideration of IZ
- The formation of a 40B advisory committee to work with the ZBA and with residents of the Town.

- Stressing a LID approach on all future projects, seen as even more important with affordable housing as it may be more densely built, and
- The development of “friendly 40Bs” for which the Town is proactive about what it wants.

Epstein requested that Freedman send a memo to the ZBA Chair indicating that the PB would welcome the opportunity to provide additional input on LID pertaining to the design of Coventry Woods.

It was agreed that the Board would postpone further discussion on Inclusionary Zoning and other strategies from the Affordable Housing Plan until the new board was elected and sworn in in May.

At this point, Stuart moved that the PB enter into, and not return from, Executive Session to discuss a strategy regarding pending litigation. Epstein seconded, and the motion was passed unanimously by roll call vote.

Respectfully submitted,

Gretchen Caywood,
Planning Board Administrative Assistant